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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yasutsugu SOETA

Group Art Unit: 3723

Application No.: 10/573,497

Examiner: D. NGUYEN

Filed: March 27, 2006

Docket No.: 127462

For: POLISHING PAD, METHOD FOR PROCESSING POLISHING PAD, AND METHOD
FOR PRODUCING SUBSTRATE USING IT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the August 15, 2007 Election of Species Requirement, Applicant provisionally elects Species I, claims 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37, with traverse.

Because this is a PCT National Stage application, PCT patent rules of unity of invention apply (PCT Rules 13.1 and 13.2). The Election Requirement asserts that there is a lack of unity because the inventions are not so linked as to form a single general inventive concept. Applicant disagrees. The Election Requirement then states that the species lack corresponding special technical features by referring to the differing "total volume" and "groove depth" features. However, this overlooks or fails to address the common technical features in which both species are directed to polishing pads "for polishing a substrate, wherein grooves having a radial pattern are formed on a surface of the polishing pad."

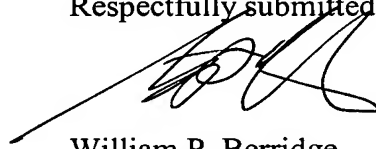
Because the Election Requirement provides no evidence to support a finding that such overlapping subject matter does not contribute to the "special technical features" that define a contribution over the art as a whole, the burden of showing a lack of unity of invention has not been established. Moreover, as the International Search Authority has found unity of invention in the International Search Report, Applicant requests reconsideration of the requirement.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. For example, both are directed to polishing pads and methods for polishing a substrate using a pad having a radial pattern of grooves formed on a surface of the pad.

Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:SPC/hms

Date: September 14, 2007

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